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10/614,422	07/07/2003	Hiroaki Ueda	16803	7447

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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/614,422	UEDA ET AL.	
	Examiner	Art Unit	
	DANIEL TEKLE	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed September 22, 2009 have been fully considered but they are not persuasive.

Applicant argument regarding claim 1-27:

MacCormack et al. fail to discloses “controlling any aspect of the video compression based on changes to the amount of free space on the recording medium” page 3 of applicant remark. In addition MacCormack et al. “adjustment of perimeter element does not occur throughout compression of non-compressed video image data" page 4 of applicant remark.

In response the examiner respectfully disagrees. In addition to the cited column and lines of the non-final office action, MacCormack et al. discloses "adjusting or updating the parameter setting during compressing process (column 36 line 49-67 and column 72 lines 11-32). Also MacCormack et al. discloses an option of different effective recording duration based on image equality (column 86 lines 14-31). Therefore as a whole of the reference “compression based on changes to the amount of free space on the recording medium” means, anticipated as discussed above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by MacCormack et al (US 6,144,797).

Regarding Claim 1: MacCormack et al. disclose a video image data compression archiver comprising: an encoder compressing non-compressed video image data to generate compressed video image data; and an encoder controller connected to encoder to adjust a frame size, a frame rate, and an average bit rate of compressed video image data in response to change to free area of a recording medium for recording compressed video image data, adjusting occurring throughout compressing of non-compressed video image data **(columns 61-62, lines 60-6; column 62 lines 25-46; column 86 lines 16-30 and figure 136)**.

Regarding Claim 2: MacCormack et al. disclose a video image data archiver according to claim 1, wherein said encoder controller decides average bit rate in response to at least one parameter, and decides frame size and said frame rate based on average bit rate **(columns 61-62, lines 60-6)**.

Regarding Claim 3: MacCormack et al. disclose a video image data archiver according to claim 1, wherein encoder controller monitors free area of recording medium, and modifies at least one of frame size, frame rate, and average bit rate when detecting a change in free area of recording medium **(columns 61-62, lines 60-6 and figure 136)**.

Regarding Claim 4: MacCormack et al. disclose a video image data archiver according to claim 3, wherein encoder controller decreases at least one of frame size,

frame rate, and average bit rate when detecting a decreases in free area of recording medium **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

Regarding Claim 5: MacCormack et al. disclose a video image data archiver according to claim 3, wherein encoder controller increases at least one of frame size, frame rate, and average bit rate when detecting an increase in free area of recording medium **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

Regarding Claim 6: MacCormack et al. disclose a video image data archiver according to claim 1, wherein encoder controller monitors number of frames of non-compressed video image data, and modifies at least one of frame size, frame rate, and average bit rate, when detecting a change in number of frames of non-compressed video image data **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

Regarding Claim 7: MacCormack et al. disclose a video image data archiver according to claim 6, wherein encoder controller decreases at least one of frame size, frame rate, and average bit rate, when detecting an increase in number of frames of non-compressed video image data **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

Regarding Claim 8: MacCormack et al. disclose a video image data archiver according to claim 6, wherein encoder controller increases at least one of frame size, frame rate, and average bit rate, when detecting a decrease in number of frames of non-compressed video image data **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

Regarding Claim 9: MacCormack et al. disclose a video image data archiver according to claim 1, wherein encoder controller monitors recording time of non-compressed video image data, and modifies at least one of frame size, frame rate, and average bit rate when detecting a change in recording time **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

Regarding Claim 10: MacCormack et al. disclose a video image data archiver according to claim 9, wherein encoder controller decreases at least one of frame size, frame rate, and average bit rate when detecting an increase in recording time of original video image **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

Regarding Claim 11: MacCormack et al. disclose a video image data archiver according to claim 9, wherein encoder controller increases at least one of frame size, frame rate, and average bit rate when detecting a decrease in recording time of original video image **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

Regarding Claim 12: MacCormack et al. disclose a video image data compression archiver comprising: an encoder compressing non-compressed video image data to generate compressed video image data; and an encoder controller connected to encoder to control a frame size, and an average bit rate of compressed video image data in response to change to a free area of a recording medium for recording compressed video image data, adjusting occurring throughout compressing of non-compressed video image data **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

Regarding Claims 13-16: Claims 13-16 are rejected for the same subject matter as claims 2-3, 6 and 9 respectively.

Regarding Claim 17: MacCormack et al. disclose a video image data compression archiver comprising: an encoder compressing non-compressed video image data to generate compressed video image data; and an encoder controller connected to encoder to control a frame rate, and an average bit rate of compressed video image data in response to change to a free area of a recording medium for recording compressed video image data, adjust occurring throughout compressing of non-compressed video image data **(columns 61-62, lines 60-6; column 62 lines 25-46 and column 86 lines 3-13)**.

Regarding Claim 18: MacCormack et al. disclose a video image data archiver according to claim 17, wherein encoder controller decides average bit rate in response to at least one parameter, and decides frame rate based on average bit rate **(column 86 lines 3-31)**.

Regarding Claim 19: MacCormack et al. disclose a video image data archiver according to claim 17, wherein encoder controller monitors free area of recording medium, and modifies at least one of frame rate, and average bit rate, when detecting a change in free area of recording medium **(column 86 lines 3-31)**.

Regarding Claim 20: MacCormack et al. disclose a video image data archiver according to claim 17, wherein encoder controller monitors number of frames of non-compressed video image data, and modifies at least one of frame rate, and average bit rate, when detecting a change in number of frames of non-compressed video image data **(column 86 lines 3-31)**.

Regarding Claim 21: MacCormack et al. disclose a video image data archiver according to claim 17, wherein encoder controller monitors recording time of frames of non-compressed video image data, and modifies at least one of frame rate, and average bit rate, when detecting a change in recording time of non-compressed video image data **(column 86 lines 3-31)**.

Regarding Claims 22-23: Claims 22-23 are rejected for the same subject matter as claims 1-2 respectively.

Regarding Claims 24-25: Claims 24-25 are rejected for the same subject matter as claims 12-13 respectively.

Regarding Claims 26-27: Claims 26-27 are rejected for the same subject matter as claims 17-18 respectively.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/
Examiner, Art Unit 2621